

(Published in the Wichita Eagle on August 24, 2012)

RESOLUTION NO. 12-203

A RESOLUTION AMENDING RESOLUTION NO. 11-155, DECLARING THAT A PUBLIC NECESSITY EXISTS FOR, AND THAT THE PUBLIC SAFETY, SERVICE AND WELFARE WILL BE ADVANCED BY, THE AUTHORIZATION OF LAND ACQUISITION AND/OR CERTAIN CAPITAL IMPROVEMENTS TO THE WICHITA MID-CONTINENT AIRPORT FACILITY; AND SETTING FORTH THE NATURE OF SAID IMPROVEMENTS; THE ESTIMATED COSTS THEREOF; AND THE MANNER OF PAYMENT OF SAME.

WHEREAS, K.S.A. 3-114 provides that an airport authority established pursuant to K.S.A. 3-162 shall have the power to equip, improve and maintain an airport; and,

WHEREAS, pursuant to K.S.A. 13-1024c, as amended by Charter Ordinance No. 156 of the City of Wichita, Kansas (the "City") the City is authorized to issue general obligation bonds for the purpose of paying the cost of construction, purchase or improvement of any public improvement; and

WHEREAS, Resolution No. 09-211 of the City of Wichita, Kansas, adopted on July 14, 2009 and published on July 17 and July 24, 2009, found the existence of public necessity for the Air Capital Terminal 3 – Landside Utilities, Phase I and Mid-Continent Drive Relocation, and approved the payment and financing of the same under the authority of K.S.A. 13-1348a, as amended by Charter Ordinance No. 78, at an estimated cost of \$38,364,572, exclusive of the cost in interest on borrowed money; and,

WHEREAS, Resolution No. 11-155 of the City of Wichita, Kansas, adopted on June 28, 2011 and published on July 1, 2011, amended the project description to Air Capital Terminal 3 (ACT 3) Program and increased the estimated cost to \$160,000,000, exclusive of the cost in interest on borrowed money; and,

WHEREAS, it has now become necessary to amend Resolution No. 11-155 to modify the authority for the general obligation bonds.

THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. That Section 2 of Resolution No. 11-155 is hereby amended to read as follows:

“SECTION 2. That Section 2 of Resolution No. 09-211 is hereby amended to read as follows:

‘SECTION 2. That the cost of the above described Project is estimated to be One Hundred and Sixty Million Dollars (\$160,000,000), exclusive of the cost of interest on borrowed money, and is to be paid by the Wichita Airport Authority of the City of Wichita. Said Wichita Airport Authority cost shall be financed through the issuance of general obligation bonds under the authority of K.S.A. 13-1024c, as amended by Charter Ordinance No. 156 of the City of

Wichita, Kansas. The maximum principal amount of bonds issued for this Project shall not exceed \$160,000,000.”

SECTION 2. That the version of Section 2 of Resolution No. 11-155, as the same previously existed, is hereby repealed and replaced with the amended version set forth herein.

SECTION 3. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

ADOPTED at Wichita, Kansas, August 21, 2012.

CARL BREWER, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

(SEAL)

APPROVED AS TO FORM:

GARY REBENSTORF, DIRECTOR OF LAW